

REMARKS

I. Status of Claims

The Applicants have carefully considered the Office Action dated January 21, 2010, and the references it cites. Currently, claim 13 is cancelled without prejudice or disclaimer and claims 33-36 are newly added. Accordingly, claims 1-12, 14-24 and 29-36 are pending in this application. The Examiner rejects:

- claims 1-7, 9-10, 12-20, 22, 23, and 25-32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0112354 to Ortiz et al. (*Ortiz*) in view of U.S. Patent Publication No. 2002/0051181 to Nishimura (*Nishimura*);
- claims 8 and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Ortiz* in view of *Nishimura* and in further view of U.S. Patent No. 6,236,760 to Bagni et al. (*Bagni*); and
- claims 11 and 24 under 35 U.S.C. § 103(a) as being unpatentable over *Ortiz* in view

In response, the Applicants submit the foregoing amendments and the following remarks.

II. Claim Rejections Under 35 U.S.C. § 103(a)

Claim 1 recites an apparatus for transmitting a signal of a moving image in a mobile communication terminal capable of reproducing the moving image comprising, *inter alia*, a first receiver for receiving a communication signal; a second receiver for receiving the a moving image signal; an input section for generating signals for capturing and transmitting the moving image signal; and a control section for receiving, according to the signals generated by the input section, a command signal for capture and transmission of the moving image signal, and controlling to capture and transmit a portion of the moving image while the moving image is displayed.

In the Office Action, the Examiner combines *Nishimura* and *Ortiz* to reject claim 1. Applicant respectfully disagrees for at least the reasons proffered below.

Ortiz relates a method of providing an in-play camera view that is transmitted from at least one in-play camera located at an in-play location. On the other hand, *Nishimura* teaches that in transmitting/receiving an e-mail with a file attached thereto, the contents of the

attached file is displayed in reception terminal irrespective of the file's format, the image size, or the maximum number of colors in displaying the file contents

In the Office Action, the Examiner alleges that *Nishimura* describes a control section as recited in claim 1. Specifically, the Examiner alleges that *Nishimura* at [0071], [0095], [0097], [0112], [0113], and [0187] describes a control section for controlling to capture and transmit a portion of the moving image while the moving image is displayed.

Applicant respectfully disagrees with the Examiner's analysis. Specifically, *Nishimura* at [0071] merely teaches that the video controller 57, based on data furnished over the PC1 bus 56, controls the display on the LCD 7 of the display unit 3, while sending video data from the CCD video camera 102 to the PC1 bus. In the Office Action, the Examiner alleges that *Nishimura* at [0095] describes controlling moving image display furnished over a communication network. Applicant submits that *Nishimura* at [0095] describes that, if an image furnished over a communication network, is used, the camera booting processing of step S 1 is not carried out.

Further, *Nishimura* describes that "the CPU then photographs an image and captures the photographed image data in accordance with user commands" (*see Nishimura at [0097]*), "in the finder image display area 206 of the capture window 202, the photographed image, an image read out from the recording medium or an image furnished over a communication network is displayed" (*see Nishimura at [0112]*), "after the image file attached to the E-mail has come to a close, the user clicks the mail send button 234, the CPU 51 proceeds to step S4 for transmitting the E-mail having the image file attached thereto in accordance with the E-mail program" (*see Nishimura at [0113]*).

Summarizing, *Nishimura* discloses after capturing an image photographed or taken from inside/outside by the CCD video camera, displaying the photographed image, checking file that is be attached thereto, transmitting the E-mail having the comments and the image file attached hereto.

The Examiner acknowledges that *Nishimura* describes an e-mail program as well as its function to transmit a captured moving image as an e-mail attachment. That is, the Examiner acknowledges that the transmitted moving image is a recorded file that was recorded prior to transmitting the image. *See the Office Action at p. 2.* However, it is

incontrovertible that an attachment to an e-mail is a document that was previously operated on by a user.

By contrast, claim 1 recites the control section for controlling to capture and transmit a portion of the moving image while the moving image is displayed. That is, the claim provides, in one example, the moving image signal is displayed simultaneously with capturing and transmitting the signal. By contrast, *Nishimura* describes recording a moving picture and, after the moving picture is recorded, transmitting the moving picture. Thus, *Nishimura* does not correspond to claim 1, which recites a control section for controlling to capture and transmit a portion of the moving image while the moving image is displayed.

Based on the foregoing, the claimed invention discloses capturing a television broadcasting signal and simultaneously transmitting the captured image from phone to phone while the moving image is being reproduced, so it is quite different from *Nishimura*.

Further, *Yi* does not cure at least the above-noted deficiencies of *Ortiz* and/or *Nishimura*. Thus, for at least the foregoing reasons, claim 1 and all claims dependent therefrom would not have been obvious from *Ortiz* applied alone or in any reasonable combination with *Nishimura* and/or *Yi*. Further, claims 12 and 33-36 and all claims depending therefrom are patentable over the cited art for at least substantially the same reasons set forth above in connection with claim 1.

III. Conclusion

The Applicants submit that the above amendments and arguments are fully responsive to the Office Action dated January 21, 2010. Further, the Applicants submit that, for at least the foregoing reasons, all pending claims are in condition for allowance and notice to that effect is requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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